

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JUSTIN WAYNE PRENTICE,)
)
Petitioner,)
)
v.) Case No. CIV-22-00053-JD
)
STATE OF OKLAHOMA,)
)
Respondent.)

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner Justin Wayne Prentice (“Prentice”) filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. Prentice also filed a motion for leave to proceed in forma pauperis (“Motion”). [Doc. No. 2]. The Court referred this matter to United States Magistrate Judge Gary M. Purcell. [Doc. No. 5].

Judge Purcell issued a Report and Recommendation, finding that Prentice had sufficient funds to pay the \$5.00 filing fee and recommending that his Motion be denied and the action dismissed unless Prentice paid the filing fee by February 9, 2022. [Doc. No. 6].

Prentice paid the filing fee on January 20, 2022. [Doc. No. 7]. He also submitted a timely objection to the Report and Recommendation on February 2, 2022, indicating he sent the filing fee but contesting the accuracy of the amounts shown in his institutional account to the extent he was required to pay more given the nature of his finances. [Doc. No. 8].

Upon review of the Motion [Doc. No. 2], the Report and Recommendation [Doc. No. 6], and the objection [Doc. No. 8], and in accordance with 28 U.S.C. § 636(b)(1), the Court ADOPTS the Report and Recommendation for the reasons stated therein and finds that the Motion should be denied. The Court therefore denies the Motion. Because Prentice timely paid the filing fee, the action will not be dismissed at this time. The Court re-refers this matter to Judge Purcell for further proceedings.

IT IS SO ORDERED this 4th day of February 2022.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE